

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, DiDonna, Sini, Jr.

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Town Plan of Conservation & Development.

Discussion of “development-related” issues (Booklet 5a).

Glenn Chalder, Planning Consultant from Planimetrics, reviewed Booklet 5a. He noted that the booklet is for discussion purposes only. It is not a chapter or a draft chapter in the Plan. It is just a source of discussion. One of the points made in the booklet is the Commission’s and the community’s desire to retain its residential character, and it tends to be a low density residential character. There was some discussion regarding zoning district boundaries and particularly lots in more than one zone. The residential zoning boundaries were partially based on the availability or likely availability of sanitary sewers many years ago and on past development. Many of the zoning district boundaries were established when the street map was used, but before the lot lines were mapped. This results in many of the parcels being in more than one zone. Mr. Chalder said that according to the Assessor’s records that they have analyzed, approximately one-third of the residential lots are non-conforming with respect to lot size. He said that this is an unusually high number of non-conforming lots.

Another issue discussed was the Federal Emergency Management Agency (FEMA) National Flood Insurance Program. The Town of Darien participates in the program by requiring that all construction activity comply with the Flood Damage Prevention requirements. Currently, Darien requires one foot of “free board” between the expected flood level (Base Flood Elevation) BFE and the lowest floor elevation. There is some discussion that building code or other aspects of the National Flood Insurance Program might someday require that the lowest floor be at Base Flood Elevation plus two feet.

Mr. Chalder then discussed managing bulk and land coverage. He said that one thing that the Commission could consider is regulating the floor area, not just the building coverage. Another thing would be to regulate the total amount of impervious surfaces on a residential property, not just the amount of the lot that is covered by buildings. Mr. Chalder said that a detailed analysis performed in Madison Connecticut resulted in a finding that if the second floor of a building is seventy percent or less of the first floor area, it seems to have an appropriate residential character.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 2 OF 15

Commission members asked him to look into an issue that has been a problem in the past regarding the use of large retaining walls to create raised patios at a new land elevation. This allows the raised patios to not count as building coverage whereas, if they were wooden decks, they would count as building coverage. Another issue is, in the definition of 'floor area ratio' calculations whether the Commission should count basements or attics.

Mr. Chalder said that Darien counts swimming pools and tennis courts and other structures as building coverage whereas other communities do not. Mr. Chalder said that one of the issues that he came across was that in-home businesses are currently limited to 10% of the floor area of the residence. He said that some home occupations are becoming more popular now and the Commission may want to consider amending that 10% limitation.

Other issues discussed included open space preservation, conservation subdivisions, diversifying the housing portfolio to accommodate aging population, possible accessory housing units for family members, business and economic development, the variety of business zones with various uses being permitted and various parking requirements and the Service Business Zone that specifically requires external use or activity.

The Commission will meet on July 21st to discuss the potential development of the Palmer property in Noroton Heights and the Genovese project at Corbin Drive and Boston Post Road.

Mr. Chalder said that he is anxious to listen to those presentations.

At about 9:25 p.m., Chairman Cameron read the following agenda item:

Update on Darien Zoning Regulations amendment proposal to be put forth by Planning & Zoning Commission.

Mr. Ginsberg said that that project is moving forward and he is still working on the draft Regulation changes. He will have a proposal ready for a September public hearing.

Chairman Cameron then read the following agenda item:

Land Filling & Regrading Application #328, J. Baron Land Co., LLC, 465 Mansfield Avenue.
Review and action on revised drainage and grading plans.

Attorney Jackie Kaufman represented the applicants and explained that the previously approved plan is being implemented and the applicants have incorporated several changes to the drainage plan to better accommodate storm water runoff from adjacent properties. They have had numerous discussions with the neighbors and with the representatives of the neighbors and have tried to respond to those issues and concerns.

Douglas DiVesta, Professional Engineer, explained that he was not the original design engineer for the project, but he has become involved lately. He referred to a May 30, 2015 letter from the neighbor's engineer, Craig Flaherty, to Zoning Enforcement Officer David Keating. He said many of the suggestions in that letter have been incorporated by the developer at 465 Mansfield Avenue. He submitted copies of the letter to the Commission members. All of the changes try to draw the

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 3 OF 15

water away from the neighbor's property and through the property at 465 Mansfield Avenue. He said that other changes include modifications to the storm water detention basin and converting it from a wet retention area to a dry detention area. Changes along the southerly boundary line at 465 Mansfield Avenue are the biggest concern to the neighbors. To address that, the developer has installed swales at a 45 degree angle to make sure that water is directed from the neighbors' properties into 465 Mansfield Avenue and then through the site toward the detention basin.

Mr. DiVesta showed a copy of the Town's topographic map which include ground contour lines from 2008. He has redlined that map to show the drainage pattern.

Mrs. Cameron said that she visited the site with the Zoning Enforcement Officer and it appears that there was a discrepancy between the builder's base line topographic information and the actual site conditions on the subject property and adjacent properties. She asked the engineer if he felt that the Commission had made a mistake approving the project. Mr. DiVesta said that he did not think the Commission made a mistake.

Mark Andriuk, one of the developers of 465 Mansfield Avenue said that they have had the surveyor verify the site grades and that surveyor has verified that the existing conditions map was slightly "off." He said that he has made sure that the storm water runoff from the Young property (to the southeast) drains through 465 Mansfield Avenue as it had in the past. He said that the continuing philosophy has been to make sure that the drainage system works for the benefit of the neighbors and the owner of 465 Mansfield Avenue. He said that 99% of the work that has performed complies with the originally approved plan and that there are a few minor modifications that have been incorporated.

Craig Flaherty, Professional Engineer from Redniss & Mead, explained that he represents the Seiders who own property to the southwest of 465 Mansfield Avenue. He said that his clients' biggest concern has been to make sure that the development has proceeded in accordance with the approved plans so that storm water runoff is properly directed through 465 Mansfield Avenue as it had before the development was proposed and approved. He said that the contour lines right along the property line are a problem because the developer has raised the ground level by installing a berm near the southerly portion of 465 Mansfield Avenue. This berm is directly contrary to the storm water flow arrows that had been indicated on the approved plan. He said the berm is made of soil and wood chips and it prevents the surface flow from the Seider property toward the property at 465 Mansfield Avenue. He said that the berm is approximately 18 to 24 inches higher than the ground level is supposed to be. He submitted photographs of the site conditions. He said that he will continue to work with the applicants' engineer to resolve the issues.

Mrs. Cameron said that the developer needs to remove the berm and fix the situation so that it complies with the approved plan or make sure that the neighbors are completely satisfied with the revised plan.

Mr. Andriuk said that some of the photographs that were submitted show regrading that no longer exists because those issues have been addressed.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 4 OF 15

Attorney Amy Zabetakis said that she represents the Seiteres and is very concerned that there needs to be a very strong Drainage Maintenance Plan to avoid future owners of 465 Mansfield Avenue from making minor changes that could substantially alter the drainage characteristics.

Commissioner Mrs. Cameron said that the property owner and neighbors can return to the Commission on the July 28th meeting and, by then the situation needs to be resolved by having the site development in accordance with the previous plan or having the neighbors on board with the requested changes.

The following motion was made: That the Commission waive the process of reading the draft Resolutions aloud because each member has had an opportunity to review the drafts prior to the meeting.

At about 10:00 p.m., Chairman Cameron then read the following agenda item:

Discussion, deliberation and possible decisions regarding the following:

Coastal Site Plan Review #256-A, Flood Damage Prevention Application #287-A, Melissa B. Hubner, 9 Butler's Island Road. Proposing to repair and replace the existing septic system and to perform related site activities within regulated areas.

Mr. Cunningham said that in the past the sale of the house involved a business partner of his, but he did not see that there was any conflict of interest. He did make several suggested changes to the draft Resolution. Mr. DiDonna had not attended the public hearing, but did watch the recording of the proceedings.

Commission members agreed upon corrections and clarifications of the draft Resolution. The following motion was made: That the Commission adopt the following Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. DiDonna and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 14, 2015**

Application Number: Coastal Site Plan Review #256-A
Flood Damage Prevention Application #287-A

Street Address: 9 Butler's Island Road
Assessor's Map #67 Lot #69

Name and Address of Applicant's Representative:	Doug DiVesta DiVesta Civil Engineering Associates, Inc. 51 Painter Ridge Road Roxbury, CT 06783
---	--

Name and Address of Applicant and Property Owner	Melissa B. Hubner 9 Butler's Island Road
--	---

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 5 OF 15

Darien, CT 06820

Activity Being Applied For: Proposing to repair and replace the existing septic system and to perform related site activities within regulated areas.

Property Location: The subject property is situated on the north side of Butler's Island Road, approximately 900 feet east of its intersection with Tokeneke Beach Drive.

Zone: R-1

Date of Public Hearing: July 7, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: June 26 & July 3, 2015

Newspaper: Darien News

Date of Action: July 14, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
July 24, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to repair and replace the existing septic system and to perform related site activities within regulated areas. The subject property is 1.28+/- acres in an R-1 Zone, and is served by public water and an on-site septic system.
2. At the public hearing, the applicant's engineer noted that the existing on-site septic system, which was installed in 1960, is failing. They will be placing fill on the property, up to three feet in places, to install the replacement septic system. The Darien Health Department has approved this project.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 6 OF 15

3. The proposed activities, to be implemented with the conditions listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
4. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
5. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.
6. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000. Although the Commission would prefer that the replacement septic system and site work would be outside of the critical 100 foot area adjacent to coastal resources, in this case, the existing site conditions preclude such alternatives and the replacement septic system will be a substantial improvement for the environment compared with the current septic system problems.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #256-A and Flood Damage Prevention Application #287-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans entitled:
 - Repair On-site Subsurface Sewage Disposal System, Hubner Residence 9 Butlers Island Road, by DiVesta Civil Engineering Associates, Inc., last revised 6/11/15, Sheet 1 of 2.
 - Details, Hubner Residence 9 Butlers Island Road, by DiVesta Civil Engineering Associates, Inc., last revised 6/11/15, Sheet 2 of 2.
- B. The Commission notes that at the public hearing, the property owner noted that they could hook up the replacement septic system pump to an on-site generator. That connection is a requirement of this approval.
- C. Because there is no new impervious surface as part of this application, the Commission hereby waives the requirement for stormwater management. However, throughout the development of the site, even before the final grading and drainage system are installed, the applicant must properly manage storm water runoff to avoid negative impacts to the sensitive nearby environment, the neighbors and/or the street.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans listed in Condition A, above, and any additional measures as may be necessary due to

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 7 OF 15

site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- E. Once the project is complete, the applicant shall submit a final certification, including photographs from the applicant, that all work has been properly completed in accordance with the approved plans. A copy of this shall also be given to the Darien Health Department.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- G. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. Approval for this project has been obtained from the Darien Health Department.
- H. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (July 14, 2016). This may be extended as per Section 815.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Cameron read the following agenda item:

Land Filling, Excavation, & Regrading Application #359, Bryant & Meghan Shain, 7 Devon Road. Proposal to regrade the back yard, and create an associated five foot high retaining wall and perform related site activities.

Commission members reviewed the draft Resolution. The following motion was made: That the Commission adopt the following Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Cunningham, seconded by Mr. Sini and unanimously approved. The Resolution read as follows:

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 8 OF 15

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 14, 2015**

Application Number: Land Filling & Regrading Application #359

Street Address: 7 Devon Road
Assessor's Map #24 Lot #84

Name and Address of Applicant & Property Owners: Bryant & Meghan Shain
7 Devon Road
Darien, CT 06820

Name and Address of Applicant's Representative: Rob Frangione, PE
Frangione Engineering, LLC
15 Snowberry Lane
New Canaan, CT 06840

Activity Being Applied For: Proposal to regrade the back yard, and create an associated five foot high retaining wall and perform related site activities.

Property Location: The subject property is situated on the north side of Devon Road, approximately 320 feet east of its intersection with Stanley Road.

Zone: R-1/3

Date of Public Hearing: July 7, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: June 26 & July 3, 2015

Newspaper: Darien News

Date of Action: July 14, 2015

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
July 24, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 9 OF 15

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to regrade the back yard, and create an associated five foot high retaining wall and perform related site activities. The proposed stone wall will tie into the stone wall on the adjacent property.
2. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
3. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #359 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, excavation, and regrading, and wall construction, shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Overall Site Plan, Proposed Grading Plan for Bryant & Meghan Shain, 7 Devon Road by Frangione Engineering, LLC, dated June 10, 2015, Sheet No. S1.
 - Details & Notes, Proposed Grading Plan for Bryant & Meghan Shain, 7 Devon Road by Frangione Engineering, LLC, dated June 10, 2015, Sheet No. S2.
- B. Due to the minor nature of the work, the Commission hereby waives the requirement for a performance bond.
- C. There is no new impervious surface as part of this application, and thus, the Commission waives the requirement for stormwater management under Section 880 of the Zoning Regulations. However, throughout the development of the site, even before the final grading and drainage system are installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the Overall Site Plan and Details & Notes plan listed in Condition A, above, and any additional measures as may be necessary due to site conditions, including the tree protection filling as mentioned above. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 10 OF 15

- E. A final “as-built” survey from a licensed land surveyor is hereby required to certify that the filling and regrading are all in compliance with the approved plans. This as-built survey shall show one-foot contours. The engineer shall certify that the plantings and walls have been installed pursuant to the Overall Site Plan.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (July 14, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Chairman Cameron read the following agenda item:

Special Permit Application #289, Gold Coast Children’s Center, 972 Boston Post Road.
Request to establish a personal service business on the third floor of the existing building.

Mr. Cunningham said that he has reviewed the materials and listened carefully to the public hearing testimony. He believes that the use is a business and professional office use that is allowed by right and does not require a Special Permit.

All Commission members reviewed the specific use as described in the application materials and at the public hearing, and agreed that it does not require Special Permit approval. They authorized staff to administratively approve the proposed renovations to accommodate the business and professional office use as proposed.

Chairman Cameron read the following agenda item:

Land Filling & Regrading #358, Elk Homes Partners II LP, 15 Gardiner Street. Proposing to excavate and regrade to construct a new driveway adjacent to the south property line in association with the construction of a replacement residence, and perform related site development activities.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 11 OF 15

Commission members discussed and agreed upon corrections and clarifications to the draft Resolution. The following motion was made: That the Planning & Zoning Commission adopt the following Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
July 14, 2015**

Application Number: Land Filling & Regrading Application #358

Street Address: 15 Gardiner Street
Assessor's Map #46 Lot #38

Name and Address of Applicant & Property Owner: Elk Homes Partners II LP
411 Theodore Fremd Avenue
Rye, NY 10580

Name and Address of:
Applicant's Representative: John J. Heagney
Heagney, Lennon & Slane, LLP
248 Greenwich Avenue
Greenwich, CT 06830

Activity Being Applied For: Proposing to excavate and regrade to construct a new driveway adjacent to the south property line in association with the construction of a replacement residence, and perform related site development activities.

Property Location: The subject property is located on the west side of Gardiner Street approximately 100 feet north of its intersection of Concord Lane.

Zone: R-1/3

Date of Public Hearing: July 7, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: June 26 & July 3, 2015 Newspaper: Darien News

Date of Action: July 14, 2015 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: July 24, 2015 Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 12 OF 15

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative and engineer whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to excavate, regrade and to construct a new driveway adjacent to the south property line in association with the construction of a replacement residence, and perform related site development activities. The proposed residence will connect to public water and sewer.
2. The Darien Zoning Board of Appeals granted a variance for the replacement residence as part of ZBA Calendar #28-2015 on May 20, 2015. That approval is hereby incorporated by reference.
3. At the public hearing, the applicant's engineer, Bryan Muller from SoundView Engineering, explained the pitch of the driveway to Gardiner Street, and noted that there will be additional impervious surface on the property.
4. The new driveway will be twelve feet wide, and a 24 foot wide backup from the garage has been included. The revised plans dated 7/7/2015 move the driveway and associated retaining wall three feet to the north of the southern property line, which will minimize potential impacts to the neighbor's Leyland cypress trees which are close to that property line. The retaining wall will range from 0.8 inches high to four feet high.
5. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #358 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, excavation and regrading work and stormwater management shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - Site Development & Utility Plan, Elk Homes Partners LP 15 Gardiner Street by SoundView Engineers & Land Surveyors, LLC, last revised 7/7/2015, Sheet 4 of 5.
 - Soil Erosion & Sediment Control Plan, Elk Homes Partners LP 15 Gardiner Street by SoundView Engineers & Land Surveyors, LLC, last revised 6/5/2015, Sheet 5 of 5.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 13 OF 15

While specific floor plans and elevations were submitted for the proposed replacement residence, the Commission is not acting upon those plans as part of this filling & regrading approval. The only action required by the Commission is for the grading associated with the proposed driveway. The house plans may need to be revised to comply with the 30 foot maximum building height requirements in the Zoning Regulations.

- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted plans listed in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. Because of the minor nature of the site work involved in this project, the Commission hereby waives the requirement for a performance bond.
- D. A Drainage Report from SoundView Engineers & Land Surveyors was submitted to the Planning and Zoning Office. Also submitted was a Preliminary Stormwater Management Operations & Maintenance Plan. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work requested herein and prior to the issuance of a Zoning and Building Permit for the proposed replacement house. This notice will require the property owner and all subsequent property owners of 15 Gardiners Street to maintain the subsurface detention systems, and will alert future property owners of the need to maintain said facilities to minimize any potential downhill impacts.
- E. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Throughout the development of the site, even before the final drainage system is installed, the applicant must properly manage storm water runoff to avoid negative impacts to the neighbors and/or the street. Prior to the request for the Certificate of Occupancy for the new house, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the stormwater management and grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- F. Once the project is complete, and prior to the issuance of a Certificate of Occupancy for the new house, the applicant shall submit a final certification from the land surveyor, that all excavation, filling and grading work has been properly completed in accordance with the approved plans.
- G. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A Demolition Permit is required from the Building Department. A Sewer Connection Permit from Darien Sewer Services is required. Any oil tank removal requires review and coordination with the Fire Marshal.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 14 OF 15

- H. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, a Demolition Permit, a Sewer Disconnect Permit, and Zoning and Building Permits.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (July 14, 2016). This may be extended as per Sections 858 and 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these conditions and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the issuance of a Zoning and Building Permit for the replacement house.

Chairman Cameron then read the following agenda item:

Approval of Minutes

April 28, 2015 General Meeting/Public Hearing

Several minor corrections and clarifications were discussed and agreed upon. The motion to approve the corrected minutes was made by Mr. Sini, seconded by Mr. DiDonna and approved by a vote of 3-0 (all members except Mrs. Cameron who abstained because she was not at that meeting).

June 2, 2015 General Meeting/Public Hearing

Commission members made several minor corrections and clarifications. The motion was made to approve the minutes as corrected. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved by a vote of 4-0.

PUBLIC HEARING

Chairman Cameron opened the public hearing at 10:05 P.M. and read the following agenda item:

Special Permit Application #109-E, The Depot, 25 Heights Road. Request to install permanent lights and modify an existing sport court, and perform related site development activities. The subject property is located on the south side of Heights Road, approximately 100 feet west of its intersection with Noroton Avenue, and is shown on Assessor's Map #44 in the Parking Residential (PR) Zone.

Mr. Ginsberg said that the subject property is located in the parking residential zone and that The Depot Youth Center is a Special Permit use. They propose to install new, exterior lighting to illuminate the outside recreation space that is located adjacent to the railroad tracks and Heights Road and Noroton Avenue.

PLANNING & ZONING COMMISSION
MINUTES
GENERAL MEETING / PUBLIC HEARING
JULY 14, 2015
PAGE 15 OF 15

Janice Marzano, Director of The Depot, said that the new shoebox style lights will be placed on two new poles and each pole will contain two light fixtures. The Depot will control the light switches so they can make sure that they are turned off at 11:00 P.M. even though safe rides will continue to operate until 2:00 A.M. on certain weekend nights.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter and will render a decision at a future meeting. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved.

Chairman Cameron read the following agenda item:

Continuation of the following matter:

By Order dated November 19, 2014 in the matter of *Christopher & Margaret Stefanoni v. The Darien Planning and Zoning Commission* – Docket No.: HHB-CV-11-5015368S (the “Appeal”), and the related case of *Gregory v. Darien Planning and Zoning Commission* Docket No.: CV-13-6023798S Judge Henry Cohn remanded the matter back to the Darien Planning & Zoning Commission for an amendment to the Commission’s October 29, 2013 resolution to specify an approved number of units or a range of numbers of units, based on the record. The legal notice for the original application read as follows:

Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. The subject property is located on the east side of Hoyt Street approximately 100 feet south of its intersection with Echo Drive, and is shown on Assessor’s Map #27 as Lot #168-1, within the R-1/3 zone.
PREVIOUS HEARINGS HELD ON 4/7/2015 AND 4/21/2015.

Mrs. Cameron said that she understands that the Stefanonis are not available and the Commission does not have a quorum to conduct a public hearing, thus it is in everyone’s interest to continue this matter on July 21, 2015 at 8:00 P.M. for a public hearing.

Mr. Ginsberg said that he understands that the Stefanonis and/or the neighbors may want to comment on the traffic accident data that has been gathered.

There being no other business, the following motion was made: That the Commission adjourn the meeting. The motion was made by Mr. Sini, seconded by Mr. Cunningham and unanimously approved. The meeting was adjourned at 10:12 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director